

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDDWIN GUSTAVO GONZALEZ BRAVO,

Plaintiff(s),

-against-

SCHEDULING ORDER
CV 13-342 (SJF) (GRB)

FINEST MAINTENANCE, INC.,

Defendant(s).

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BROWN, Magistrate Judge:

District Judge Sandra J. Feuerstein has scheduled a pretrial conference for **September 9, 2013**. The firm discovery deadlines set forth herein have been established to enable the parties to timely complete discovery in accordance with Judge Feuerstein's requirements.

I. APPEARANCES & COURT-ORDERED DEADLINES

July 17, 2013 at 10:00 a.m.: Status conference. Counsel shall appear in Courtroom 840 of the Long Island Courthouse. Any request to adjourn this conference shall be filed electronically as a "Motion."

August 26, 2013 : Completion of all discovery, inclusive of expert discovery. Pursuant to Judge Feuerstein's Individual Rules, a joint proposed pretrial order prepared in compliance with her rules must be electronically filed on or before this date. The parties should consult Judge Feuerstein's Individual Rules regarding dispositive motion practice. No pretrial conference will be held by the undersigned.

Because Judge Feuerstein requires that all discovery must be completed and a joint proposed pretrial order submitted at least fifteen days prior to her pretrial conference scheduled for September 9, 2013, **there can be no extension of the discovery completion deadline by the undersigned and any request for such an extension made to the undersigned will be denied.**

II. ADDITIONAL DATES AGREED UPON BY THE PARTIES

The following deadlines were negotiated by the parties, and they are free to stipulate to changes in these dates so long as the deadlines set by the Court in Section I, *supra*, are not impacted. Such stipulations should *not* be submitted for Court approval.

April 25, 2013: Completion of initial disclosures required by Rule 26(a).

May 15, 2013: Service of first requests for production of documents and first requests for interrogatories.

August 26, 2013: Fact discovery completed.

III. DISCOVERY IN GENERAL

a. **Stays of discovery.** Discovery is not automatically stayed by the pendency of a dispositive motion, settlement discussions between the parties, a referral to mediation, or an agreement among the parties to suspend discovery. A party seeking a stay of discovery must seek a court order and must show good cause why such relief should be granted.

b. **Depositions.** Pursuant to Local Civil Rule 26.5, counsel are expected to cooperate with each other, consistent with the legitimate interests of their clients, in scheduling depositions. If counsel cannot agree on a schedule for a given deposition, the deponent must appear at the date, time, and place set forth in a notice properly served pursuant to Federal Rule of Civil Procedure 30 unless excused by the party that served the notice or by the Court.

c. **Compliance with deadlines.** To be timely, a request for written discovery, deposition notice, or subpoena must be served in sufficient time for compliance to occur *before* the relevant deadline. The undersigned may decide not to enforce an untimely request, notice, or subpoena.

d. **Discovery disputes.**

i. While parties must attempt in good faith to resolve discovery disputes in good faith before seeking judicial intervention, they must also ensure that any unresolved dispute is brought to the Court's attention in sufficient time for the dispute to be resolved and discovery to be completed according to the deadlines in this schedule. In addition, the parties are urged to review Judge Feuerstein's rules regarding the timely raising of discovery disputes.

ii. A motion to resolve a discovery dispute must be litigated pursuant to Local Civil Rules 37.3 and 6.4 and in accordance with the undersigned's individual rules, which can be found on the Eastern District webpage. Motions that do not comply with all such requirements may not be accepted. Failure to submit a timely opposition in compliance with applicable rules may result in a motion being granted as unopposed.

IV. MODIFICATIONS TO THE SCHEDULE

a. As discussed above, there can be no modification to the discovery completion deadline unless or until Judge Feuerstein changes the date of the pretrial conference.

b. While the parties are encouraged to cooperate with each other in conducting discovery, they should not agree among themselves to any extensions that will render them unable to meet any deadline in Section I, above. Any request to modify a date established in Section I, other than the discovery completion deadline, must be in writing, and submitted in accordance the undersigned's practice rules, and must be electronically filed prior to the expiration of the current deadline.

c. The fact that a party intends to seek summary judgment will not, by itself, be considered good cause to alter or suspend the deadline for filing a joint pretrial order.

V. ELECTRONIC FILING AND CONTACT INFORMATION:

As all filings must be submitted electronically, the lead attorney for each party must be registered with the Court's ECF system and must file a notice of appearance in this action so that he or she will be personally notified of all filings. The parties are under a continuing obligation to keep the Court apprised of any changes in their contact information, including mailing addresses, e-mail addresses, and daytime telephone numbers.

Dated: Central Islip, New York
May 1, 2013

SO ORDERED:

/s/ Gary R. Brown
GARY R. BROWN
United States Magistrate Judge